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BEFORE THE
ILLINOIS COMMERCE COMMISSION

DANNY DAWSON)	DOCKET NO.
-vs-)	11-0558
AMEREN ILLINOIS COMPANY)	
d/b/a Ameren Illinois)	
)	
Complaint as to billing and/or)	
charges in Decatur, Illinois.)	

Springfield, Illinois
Wednesday, December 8, 2012

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

MR. DANNY DAWSON
2622 Missouri Avenue
Granite City, Illinois 62040
Ph. (618) 709-2910

(Appearing via teleconference
pro se)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1 APPEARANCES: (Continued)

2

3 MR. CHARLES Y. DAVIS
4 BROWN HAY & STEPHENS, LLP
5 205 South Fifth Street, Suite 700
6 Springfield, Illinois 62705
7 Ph. (217) 544-8491
8 E-mail: cdavis@bhslaw.com

9

10 (Appearing on behalf of Ameren
11 Illinois Company)

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1		<u>I N D E X</u>			
2					
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	(None)				
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13		<u>EXHIBITS</u>			
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15				<u>MARKED</u>	<u>ADMITTED</u>
16	(None)				
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1 JUDGE JONES: All right. Thank you. Are there
2 any other appearances?

3 (No response.)

4 Let the record show there are not, at
5 least at this time.

6 Mr. Davis, I will start with you.
7 Have you received any requests from Mr. Dawson
8 seeking information?

9 MR. DAVIS: I have not, Judge. The only
10 document that I have received is what's titled
11 "Answer to Respondent's Answer to Formal Complaint
12 and Request for Production." And then I reviewed
13 your ruling dated January 18 stating that that
14 document would not be characterized as a data
15 request. Therefore, I did not respond to it as a
16 data request, and since that time have not received
17 anything further from Mr. Dawson.

18 JUDGE JONES: Mr. Dawson, have you sent
19 anything to Ameren other than that so-called answer?

20 MR. DAWSON: No. I didn't understand the
21 letter I got back on it. That's what I sent them. I
22 didn't get no answer to it, like he said.

1 JUDGE JONES: I am going to give you another
2 seven days if you want to send out another
3 informational request to them, but we have got to
4 move forward in this case. The ruling was issued
5 indicating that that sort of --

6 MR. DAWSON: Well --

7 JUDGE JONES: Let me finish. Explaining that
8 the so-called answer that you filed did not -- was
9 not to be treated as an informal data request, and it
10 also explained why.

11 MR. DAWSON: Okay.

12 JUDGE JONES: I am going to give you another
13 seven days to send Mr. Davis informational requests
14 you may have. Send them directly to him. Do not
15 file them with the Commission, as we have explained
16 previously. We are...

17 MR. DAWSON: Well, it's been --

18 JUDGE JONES: Let me finish. ..in the informal
19 stage of this case. If you want information from
20 them, the place to start is to contact Mr. Davis with
21 that request and go from there. So that's -- I am
22 going to give you another opportunity to do that,

1 although you have had several prior to this. If
2 there is information that you are seeking, that's the
3 process to use before you try anything more formal.
4 You seek it informally. That is, you seek it
5 directly to Mr. Davis. You request it and see if
6 Ameren will provide what you are seeking through that
7 process.

8 Do you have any questions about that?

9 MR. DAWSON: No, sir. I just need Mr. Davis'
10 address, I guess.

11 MR. DAVIS: Mr. Dawson, what's the most
12 convenient for you? E-mail, fax or regular mail?

13 MR. DAWSON: Regular mail. I don't have an
14 e-mail or fax. I don't know nothing about computers.

15 MR. DAVIS: Okay. My name is Charles Davis and
16 my address is 205 South Fifth Street.

17 MR. DAWSON: I couldn't understand you. South
18 Fifth Street?

19 MR. DAVIS: That is correct. Fifth as in five,
20 205 South Fifth Street, Suite 700, Springfield,
21 Illinois 62701. And if you just send it to my
22 attention -- if you send it to my attention, I will

1 be able to respond to you. If you have any problems,
2 my phone number is (217) 544-8491.

3 MR. DAWSON: All right. Thank you.

4 MR. DAVIS: And while I am speaking, if you
5 don't mind, the only other question I was going to
6 have was, one, the amount of time that Ameren would
7 to respond and, second, we did send, Ameren did send,
8 our own data request to Mr. Dawson on February 6.

9 MR. DAWSON: Sent me a what?

10 MR. DAVIS: I sent you requests also on
11 February 6. Given the date, you might get them in
12 the mail today or tomorrow.

13 MR. DAWSON: Okay. I haven't received them
14 yet.

15 MR. DAVIS: I was just hoping to have a
16 response deadline on that also.

17 JUDGE JONES: Mr. Dawson, you got the notice
18 from the Commission on January 18, correct?

19 MR. DAWSON: January 18?

20 JUDGE JONES: You just mentioned it a couple of
21 minutes ago. Did you get that through the mail from
22 the Commission on January 18?

1 MR. DAWSON: You mean where your phone number
2 was? You mean the phone number thing?

3 JUDGE JONES: Well, there is a notice that says
4 January 18, 2012, across the top.

5 MR. DAWSON: I don't see it. I am looking.

6 JUDGE JONES: All right. Well, there is
7 notices that go out from the Commission. My point
8 is, those also have Mr. Davis' name. They spell his
9 name and they have his address on there, too.

10 MR. DAWSON: Oh, okay. I have all this in a
11 folder here. I am trying to go through it.

12 JUDGE JONES: All right. Do you see his name
13 on there?

14 MR. DAWSON: No, I haven't found that one yet,
15 but I will find it. I have got everything in a
16 folder here that I got sent from you guys.

17 JUDGE JONES: His name and his business
18 address, that is Mr. Davis, are...

19 MR. DAWSON: I have got them.

20 JUDGE JONES: ..they are on there. That is the
21 source of that information. Did you get his phone?
22 Did you get Mr. Davis' phone number from him? Just

1 now, did you get that written down?

2 MR. DAWSON: Yes, sir. Yeah, (217) 544-8491.

3 MR. DAVIS: That's correct.

4 MR. DAWSON: Hello?

5 MR. DAVIS: Yes, that's correct.

6 MR. DAWSON: Hello? All right. My phone is

7 cutting out. Are you still there?

8 JUDGE JONES: Yes, we are still here.

9 MR. DAWSON: Yeah, I have got his phone number.

10 JUDGE JONES: So I am giving you seven days

11 from today's date to send out that request for

12 documentation or information to Mr. Davis.

13 MR. DAWSON: All right. So that would be the

14 13th? Hello?

15 JUDGE JONES: You need to give us a chance to

16 respond before you --

17 MR. DAWSON: All right. My phone keeps going

18 dead and I thought it had hung up.

19 JUDGE JONES: We will give you until the 15th.

20 MR. DAWSON: The 15th, okay.

21 JUDGE JONES: All right. A week from today,

22 the 15th, to get that in the mail to him.

1 Mr. Davis, do you want Mr. Dawson to
2 call you or not at the time he is sending that or do
3 you just want him to send it?

4 MR. DAVIS: Whatever he would like to do. If
5 he would like to call and confirm my receipt, that's
6 fine.

7 MR. DAWSON: I didn't hear what he said.

8 MR. DAVIS: If you would like to call to
9 confirm that I received your documents, that would be
10 fine. I would just allow a couple days for it to
11 pass through the mail.

12 MR. DAWSON: All right.

13 JUDGE JONES: All right. Do you understand
14 what that's about, Mr. Dawson?

15 MR. DAWSON: Yes, sir.

16 JUDGE JONES: If you are seeking some documents
17 and information from Ameren, as previously discussed,
18 that's the process.

19 MR. DAWSON: All right. I misunderstood how to
20 do it. I will get this to care of them.

21 JUDGE JONES: All right. Now, how long does
22 Ameren propose to have to respond? And that question

1 is directed to Mr. Davis.

2 MR. DAVIS: Judge, we should be able to respond
3 within 14 days after receipt.

4 JUDGE JONES: All right. So Ameren is given 14
5 days to respond to your requests to them, Mr.
6 Dawson, if you send any requests to them.

7 MR. DAWSON: All right. So they would have
8 'til the 29th.

9 JUDGE JONES: I am going to schedule at least
10 one other thing today and then we can talk about
11 whatever else. At some point we have to get this
12 case moving in kind of a forward direction rather
13 than sideways or backwards. I am going to go ahead
14 and put a date in the schedule that's going to apply
15 to you, Mr. Dawson. And that's going to be the date
16 for you to make a filing that will be your so-called
17 direct testimony and exhibits, if you decide to file
18 anything above and beyond what you have already
19 submitted.

20 That may contain additional statements
21 from you or statements from others. It may contain
22 documentation if there is some documentation you

1 would like to attempt to submit for the record. So
2 if you are going to have additional statements or
3 additional information beyond what you have already
4 filed in your complaint or any information or
5 statements that appear in your answer, that will be
6 included by you in this filing I am speaking of.

7 Now, you will not have to make that
8 filing, if you make one at all, until after you have
9 received Ameren's response to your informational
10 request or data request.

11 MR. DAWSON: Okay. I have got to figure out
12 what was wrong with the first one I sent them. I
13 don't understand what was wrong with it. So I am
14 going to have to get this looked at and see where I
15 am going wrong here.

16 JUDGE JONES: It is about the process. You
17 need to follow the process that is put into place.
18 If you have requests to make, send them to Mr. Davis
19 as just discussed. Do you not understand that piece
20 of the process? If you have requests to make, you
21 send them to Mr. Davis.

22 MR. DAWSON: Okay. I sent it to too many

1 people then, right?

2 JUDGE JONES: You need to send the requests
3 directly to Mr. Davis. You don't style it as an
4 answer if the purpose of it is to seek information,
5 information or documentation. This is the so-called
6 informal stage of the process. This is how it works.
7 If you are looking for information from Ameren,
8 that's the place to start. It doesn't start with
9 something you call an answer. It doesn't start with
10 something that's apparently intended to be a more
11 formal demand or request that Ameren be compelled to
12 do something or another. This is the process.

13 Do you have any questions about that
14 process?

15 MR. DAWSON: No, I understand it now. Thank
16 you. I see where I went wrong here.

17 MR. DAVIS: Judge, can I just ask that the
18 discovery request that Ameren sends to Mr. Dawson,
19 that he be --

20 JUDGE JONES: Let me continue with the
21 scheduling I am talking about here. Then if you have
22 some other questions, make a note and we will give

1 you a chance to get back to them.

2 All right. So what we are talking
3 about now, Mr. Dawson, is any statements or
4 documentation that you may want to treat as part of
5 your evidentiary presentation in this case. You put
6 some information into your -- you put some statements
7 into your complaint. You put some statements into
8 your answer. You alleged some things, stated some
9 things in your direct testimony filing that we are
10 talking about. You will then have the opportunity to
11 file any additional statements from you or others or
12 additional documentation that you think would be
13 useful in the presentation of your case in this
14 proceeding. And I am going to provide a date for
15 that.

16 And that filing, that is a filing that
17 will be made as a testimony filing with the
18 Commission. So that will be made with the
19 Commission. And I will send a notice out at some
20 point after today that will further indicate or
21 repeat what I am telling you now in terms of what
22 this part of the process will entail.

1 MR. DAWSON: Thank you. That will help me.

2 JUDGE JONES: And by getting your case in
3 writing, getting your case filed, then at some future
4 point if this matter is still contested, then, just
5 as Ameren will get to see what your case looks like
6 on the front end here, then you will -- if they have
7 a testimony filing, if they want to put in testimony
8 themselves, you will get a chance to see what their
9 testimony looks like in terms of testimony or
10 documentation in advance of the hearing at that time.

11 Again, I will put this in -- I will
12 put this in a notice, but I will go over it a little
13 bit now. And one of the reasons for that is, in
14 addition to sending it out, it will also allow us to
15 get some dates in there for that purpose. This
16 filing I am talking about now, this will be one that
17 will -- it will be one that will be made at some
18 point after the Ameren response to your informational
19 requests.

20 Do you have any questions so far?

21 MR. DAWSON: No, sir.

22 JUDGE JONES: All right. Now, after receipt of

1 the response from Ameren to your informational
2 requests, how long after that would you like to have
3 to put in or submit any additional statements or
4 documents that you would like to be considered part
5 of your case? How long would you like to have to do
6 that?

7 MR. DAWSON: I don't know what the standard
8 amount of time is. I don't know what to say here. A
9 week, two weeks, whatever it takes. I don't know
10 what to tell you. I have never done this before. I
11 guess a couple weeks, whatever you guys will allow
12 me.

13 JUDGE JONES: Thank you. All right. So let's
14 hold the discussion right there and get back to
15 Mr. Davis. Did you have some things you would like
16 to get addressed at this point, Mr. Davis?

17 MR. DAVIS: Yeah, the only thing that we have
18 outstanding is the discovery request, the data
19 request that I mentioned before, that Mr. Dawson
20 should receive in the mail this week, today or
21 tomorrow, and just ask that he have a response
22 deadline that's reasonable to him to get the

1 documents and information back to Ameren.

2 JUDGE JONES: Did you hear that, Mr. Dawson?

3 MR. DAWSON: Yes, sir.

4 JUDGE JONES: Just as you will be or may be

5 seeking some information or documents from Ameren,

6 there are some that they are seeking from you. You

7 haven't seen them yet, but Mr. Davis indicated they

8 have been sent out to you and you will be getting

9 them in the mail. So how long would you like to have

10 to respond to that request to you from Mr. Davis?

11 MR. DAWSON: I don't know what to say there

12 because I don't know what he is asking me for. So I

13 don't know how long it is going to take me to give

14 him an answer on whatever it is. I haven't seen it

15 yet; I haven't received it yet. I don't know what to

16 say here. I guess a couple weeks, whatever you guys

17 would allow me. Like I say, I have never done this

18 before, so whatever is fair.

19 MR. DAVIS: And, Mr. Dawson, if you have a hard

20 time putting the information together in two weeks,

21 just call me and I --

22 MR. DAWSON: I've got my --

1 JUDGE JONES: Mr. Dawson, you need to kind of
2 let people finish what they are saying before you
3 jump in, so let --

4 MR. DAWSON: Okay. I thought he was --

5 JUDGE JONES: Well, now you just did it to me.
6 Let him finish what he is saying and then you can
7 step in. All right?

8 MR. DAVIS: These data requests are, like the
9 Judge said, informal. If for some reason the 14 days
10 is not sufficient for whatever reason, we are happy
11 to work with you. If you need a little more time,
12 just call me first just so I know that it might take
13 you a little bit longer.

14 MR. DAWSON: Okay.

15 JUDGE JONES: Do you have any questions about
16 that, Mr. Dawson?

17 MR. DAWSON: No, sir. I understood all that.

18 JUDGE JONES: All right. Thank you.

19 MR. DAWSON: You are welcome.

20 JUDGE JONES: So the date to be applicable to
21 Mr. Dawson for responding to that informational
22 request or data request is 14 days. So that would be

1 February 29.

2 All right. Now, to get back to
3 Mr. Dawson to your filing of any additional
4 statements or documents beyond what you have already
5 submitted, I think you suggested a couple weeks after
6 you receive Ameren's response to your request for
7 information that you are going to be sending to
8 Mr. Davis. So let's see if we can come up with a
9 date for that.

10 In order to give some consideration to
11 the fact that some of this material, some of these
12 things, are going through the mail, I want to make
13 sure you get the full 14 days to make that filing.
14 So I am going to push that out just a little bit
15 beyond what would be 14 on the calendar and that
16 would be -- I will make that March 21.

17 Now, March 21 is going to be the date
18 for the step in the process that we discussed a few
19 minutes ago, and that is the opportunity for you to
20 submit any additional information or statements or
21 documentation in support of your case that you think
22 you would like to put forward after receiving the

1 Ameren response or responses to your requests for
2 information.

3 All right. Does anybody have any
4 questions or problems with the use of the date of
5 March 21 for that purpose?

6 MR. DAVIS: No objection.

7 JUDGE JONES: All right. Mr. Dawson, do you
8 have any questions about that so far?

9 MR. DAWSON: No. What's March 21 for again? I
10 didn't understand what it is for. I can barely hear
11 some of this.

12 JUDGE JONES: Why don't you tell me what you
13 think it is for and then we will see what else we
14 need to explain about it.

15 MR. DAWSON: I was supposed to respond to what
16 they sent me by the 29th, right, which I haven't got
17 yet and then March 21 is my thing to return to them,
18 my answer to them, or ask for anything I need from
19 them. Is that what that is?

20 JUDGE JONES: No, no.

21 MR. DAWSON: I am sorry, I am not catching
22 everything. I can barely hear some of the stuff

1 that's going on here. I don't have a real good phone
2 connection here, I don't think, on my phone.

3 JUDGE JONES: We just had a discussion about
4 your making a so-called testimony filing or filing of
5 any additional statements or documents or information
6 that you would like considered as part of your case.

7 Do you recall that discussion?

8 MR. DAWSON: Okay. I am writing this down,
9 information.

10 JUDGE JONES: Do you recall that? The date for
11 your making that filing with the Commission is March
12 21.

13 MR. DAWSON: All right. I have got it wrote
14 down here now.

15 JUDGE JONES: Do you have any other questions
16 about that?

17 MR. DAWSON: No, sir. I got it.

18 JUDGE JONES: Again, I will put a notice out
19 that will summarize these dates and what they are
20 for...

21 MR. DAWSON: Thank you. That will help a lot.

22 JUDGE JONES: ..at some point. But it will be

1 intended as essentially a summary or a reminder of
2 those dates and specify what they are for. It will
3 not go into a tremendous amount of detail, perhaps
4 not as much as we are doing today.

5 MR. DAWSON: I appreciate that. Thank you.

6 JUDGE JONES: Okay. Mr. Davis, did you have
7 anything else to take up today?

8 MR. DAVIS: Were we going to set a response for
9 Ameren's testimony, the date for Ameren's testimony
10 or did you want to wait?

11 JUDGE JONES: We definitely need to do that,
12 and I guess the question is whether to get a status
13 hearing into place shortly after that March 21 date.
14 There are several dates between now and then that are
15 part of this schedule, and I don't know really how
16 far out beyond March 21 I want to go with additional
17 scheduling under the circumstances. So I think I
18 will set a status hearing date at some point shortly
19 after March 21, and we can do further scheduling,
20 further scheduling including a filing date for Ameren
21 for its testimony.

22 MR. DAVIS: That will be great.

1 JUDGE JONES: Is that acceptable?

2 MR. DAVIS: Yes. Can I just have you note
3 certain dates around that time that I would be
4 unavailable?

5 JUDGE JONES: Yes, that will be fine. And for
6 purposes of giving all participants a chance to pin
7 down a date for a status hearing and avoid bad days,
8 we hereby go off the record.

9 (Whereupon there was then had an
10 off-the-record discussion.)

11 JUDGE JONES: Back on the record.

12 Let the record show there was an
13 off-the-record discussion for the limited purpose
14 indicated. Mainly it was to give everybody a chance
15 to look at their calendars and clear a date and time
16 that was workable for them for purposes of holding
17 that next status hearing or status conference. I
18 believe the date of March 28 at 10:00 a.m. was
19 acceptable.

20 Does that date work for you,
21 Mr. Dawson?

22 MR. DAWSON: Yes, sir.

1 JUDGE JONES: Mr. Davis, that's acceptable to
2 you?

3 MR. DAVIS: Yes, Your Honor.

4 JUDGE JONES: All right. Mr. Dawson, you will
5 be permitted to participate by phone. A phone number
6 will be distributed to you. If Ameren attorneys are
7 actually going to be here in the hearing room, which
8 is their choice, then they would not need to
9 circulate a call-in number in that event. That is,
10 if no one from Ameren is going to be participating
11 other than in person, then Ameren could circulate a
12 call-in number or set up a call-in number but the
13 alternative would be that Mr. Dawson could just
14 directly call the hearing room phone number.

15 In any event, Mr. Dawson, you will be
16 sent a notice that will specify that phone number to
17 call on that date, on that March 28 date. You will
18 be getting a notice in the mail that will give you a
19 phone number to call. You will be getting a notice
20 ahead of that that will summarize some of these other
21 dates that we went over today. So that next notice
22 you get will not have the phone number in there, but

1 you will get -- it may or may not, but you will be
2 getting in the mail a phone number to call in advance
3 of March 28.

4 Any questions about that?

5 MR. DAWSON: No, sir.

6 JUDGE JONES: All right. Do you have any
7 questions about any of the other -- any of these
8 other elements of the schedule that we talked about
9 today?

10 MR. DAWSON: No, sir, not that I know of.

11 JUDGE JONES: All right. Thank you.

12 Mr. Davis, did you have anything else
13 for the record?

14 MR. DAVIS: Nothing further.

15 JUDGE JONES: All right. At this time let the
16 record show that today's status hearing is over. Our
17 thanks to Ameren for setting up that call-in number
18 that enabled Mr. Dawson to call in.

19 In accordance then with the above
20 scheduling, this matter is or will be continued to
21 March 28 at 10:00 a.m. The other elements of the
22 schedule that were stated for the record over the

1 course of this status hearing this morning are
2 adopted and approved for scheduling purposes.

3 At this time let the record show that
4 this matter is -- today's hearing is concluded and
5 this matter is continued to a status hearing date of
6 March 28, 2012, at the hour of 10:00 a.m.

7 (Whereupon the hearing in this
8 matter was continued until March
9 28, 2012, at 10:00 a.m. in
10 Springfield, Illinois.)

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